

REMARKS

Corrected Filing Receipt

On December 14, 2005, Applicants filed a request for a corrected Filing Receipt with the Office of Initial Patent Examination. However, to date, a corrected Filing Receipt has not been received. Specifically, in the request for a corrected Filing Receipt, Applicants requested that the spelling of one of the inventors' names be corrected from "Johiel" to "Jokiel", and that the 371(c) date appearing on the Filing Receipt of November 21, 2005 be corrected from 06/13/05 to 05/28/05.

With respect to the name of inventor Christian Jokiel, the name appears to have been incorrectly transferred from the declaration into the USPTO database. With respect to the 371(c) date, the date of 6/13/05 is incorrect because 371(c)(1), (c)(2) and (c)(4) requirements were fulfilled on 5/28/05. Specifically, the original declaration executed on 12/2/03 was initially filed on 5/28/05 -- a copy thereof as proof is available in PAIR under the entry "05/28/2005 -- Documents submitted with 371 Applications". A second oath was filed on 6/13/05 which also included a power of attorney. However, for the purpose of 371(c) requirements the first filed oath should have been accepted.

Applicants respectfully request that the Examiner confirm whether these two corrections have been entered and advise Applicants accordingly.

All outstanding requirements will now be addressed hereinbelow in the order they appear in the Office Action mailed November 1, 2006.

Drawings

The Examiner has stated that "Applicant is required to furnish a drawing under 37 CFR 1.81(c)", and that "[f]or the purpose of examination, the drawings of the priority document

[DE 102 56 266.0 filed in Germany on December 1, 2003] have been referred to but (copy) drawings must be submitted for this Application.”

Applicants respectfully submit that drawings under 37 CFR 1.81 have already been submitted in this Application and are presently of record. Specifically, this Application has been filed and accepted under 35 USC 371 and 37 CFR 1.495. When an Application is filed and accepted under 35 USC 371, it includes all documents forwarded by the International Bureau (IB) and submissions from Applicants. See MPEP 1893.03(e). Applicants submit that in this Application, the IB forwarded a copy of the drawings which form a part of the International Application to the Office. As evidence, Applicants point to

(1) Notice of Acceptance of Application under 35 USC 371 and 37 CFR 1.495 mailed by the Office on November 21, 2005, wherein the Office acknowledged the receipt of a copy of the International Application on May 28, 2006;

(2) PCT Notice Informing the Applicant of the Communication of the International Application to the Designated Offices mailed by the IB on June 17, 2004, which is a conclusive evidence that the communication of the International Application has duly taken place and no copy of the International Application is required to be furnished by the Applicants to the designated Office(s), See PCT Rule 47.1(c) and MPEP 1893.01(a)(1); and

(3) US Application Publication No. US 2006/0049639 A1 published on March 9, 2006, which published a copy of all drawings.

All of these documents are of record.

Furthermore, Applicants respectfully submit that the USPTO may not impose any requirements with respect to the drawings beyond those imposed by the Patent Cooperation Treaty (e.g., PCT Rule 11) and the drawings provided should be acceptable. See MPEP 1893(f). Although the description of the International Application was not published in English, the submitted drawings did not contain any non-English description. If the Examiner wishes to require *new* drawings in this Application (which presupposes that old drawings are presently of record), the Examiner should specifically point out in what aspects the submitted drawings do not meet PCT requirements. See MPEP 1893.03(f).

Accordingly, Applicants respectfully request withdrawal of the requirement to submit drawings under 37 CFR 1.81(c) and traverses the requirement to submit drawings under 37 CFR 1.81(c) to the extent it is maintained over this Application as amended.

Claim Objections

The Examiner has stated that “[t]he numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout prosecution.” The Examiner also renumbered claims presented in a Preliminary Amendment of September 15, 2005 consecutively as 1-23, excluding from the numbering cancelled claims 3-9.

Applicants respectfully submit that claims presented in the Preliminary Amendment of September 15, 2005 were numbered in compliance with 37 CFR 1.126. Specifically, before entry of the Preliminary Amendment of September 15, 2006, i.e., in the International Application as filed on December 1, 2003, there were 9 claims numbered consecutively 1-9. In the Preliminary Amendment of September 15, 2006, Applicants cancelled claims 3-9 and added new claims 10-30. The numbering required by 37 CFR 1.126 was followed precisely because “[w]hen the claims are cancelled the remaining claims must not be renumbered” (Claims 1-2 were not renumbered) and “[w]hen claims are added they must be numbered by the applicant consecutively beginning with the number next following the highest numbered claim previously presented (whether entered or not)” (added Claims 10-30 were numbered beginning with the number 10). See 37 CFR 1.126.

Accordingly, Applicants respectfully request a further explanation of how the numbering of claims in the Preliminary Amendment of September 15, 2006 was not in accordance with 37 CFR 1.126 and how the renumbering of claims consecutively from 1 to 23 placed the numbering in accordance with 37 CFR 1.126. Although a further explanation as to this issue may aid Applicants in prosecuting other applications, Applicants do not traverse the present renumbering of claims and accept the Examiner’s renumbering.

Claim Rejections – 35 USC § 112

The Examiner has rejected Claim 10 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner requested clarification with respect to the limitation in Claim 10, which as best understood by the Examiner is directed to “polybutylene terephthalate.”

Applicants submit that the limitation of claim 10, i.e., “polybutylenterphthalate”, was well understood by the Examiner to be directed to “polybutylene terephthalate.” Applicants have amended Claim 10 and Paragraph [0032] to reflect the spelling suggested by the Examiner, accordingly. Applicants respectfully request entry of Applicants’ amendments as to Claim 10 and Paragraph [0032] and withdrawal of this rejection in light of Applicants’ amendments.

Claim Rejections – 35 USC § 102

Claims 1, 7, 12-18, and 21-23 stand rejected under 35 USC 102(e) as being allegedly anticipated by US Patent Application Publication No. 2002/0095870 to Praud. The Examiner has argued that “Praud ‘870 teaches Applicants’ claim limitations including: a ‘vehicle door latch’ – 7, a ‘housing of said vehicle door latch’ – as shown in Fig 7 for example, at least one ‘additional assembly’ – including 5, ‘connected to’ – is broad enough to include intermediate elements.” Applicants respectfully disagree and traverse this rejection to the extent it is maintained over the claims as amended.

Applicants submit that Praud ‘870 recites a vehicle door latch, labeled 7 in ‘870. Praud’s vehicle door latch includes a latch connector, labeled 701 in ‘870, and a slide, labeled 67 & 702 in ‘870. Praud’s vehicle door latch (not the housing thereof) is molded to carrier panel, labeled 9 in ‘870 (see last sentence of Paragraph [0073] in ‘870). The slide, labeled 702 in ‘870, fits horizontally into a sliding rail, labeled 69 & 107 in ‘870, which is molded to carrier panel, labeled 90 in ‘870. Praud ‘870 also recites a functional element, e.g., a mechanism of

window winder, labeled 5 in '870. Praud's window winder consists mainly of a rail, labeled 11 in '870. The rail pivots around an axis of rotation, labeled 47 in '870. Through the axis, a transverse arm, labeled 38 in '870, of the rail is linked to and turns around the pillar, labeled 51 in '870, which fastens the rail with the carrier panel, labeled 9 in '870. Thus, although the housing of the vehicle door latch and the window winder recited by Praud are each connected to a carrier panel (via intermediate elements), they are not connected to the same carrier panel (labeled 90 versus labeled 9 in '870), and they are certainly not directly connected to each other.

Contrary to Praud's teachings, Applicants' invention specifically rejects the use of a carrier panel for forming a connection between the housing of the vehicle door latch and the additional assembly. See Paragraph [0026] which states in relevant part that "[i]n contrast to DE 100 57 352 A1[,] no additional latch-carrying panel is thus used[]." Because during examination the words of the claim must be given their plain meaning unless the plain meaning is inconsistent with the specification, Claim 1 should be read to specifically exclude the use of a carrier panel for forming a direct connection between the housing of the vehicle door latch and the additional assembly. See MPEP 2111.01.

Although Applicants believe that Claim 1 when properly considered in light of the specification is free of prior art, Applicants have amended Claim 1 to include the adjective "directly" solely to exclude the use of a carrier panel for forming a direct connection between the housing of the vehicle door latch and the additional assembly and to expedite the prosecution of the Application. Applicants submit that the scope of the Claim is not in any way limited by this amendment.

Because Applicants' Claim 1 requires that the additional assembly be directly connected to the housing of the vehicle door latch and that limitation is not found in Praud '870, Applicants' Claim 1 and all claims dependent thereon are unanticipated by Praud. See MPEP 2131. Accordingly, Applicants submit that Claim 1 and all claims dependent thereon are patentably distinguishable from Praud '870.

Reconsideration and withdrawal of rejection under 35 U.S.C. 102(e) is respectfully requested.

Because Claims 7, 12-18, and 21-23 depend from Claim 1, they include all the claim limitations of Claim 1. See 37 CFR 1.75. As Claim 1 is unanticipated by Praud, so are claims 7, 12-18, and 21-23. Nevertheless and solely for the purpose of better defining the invention and expediting the prosecution thereof, the following amendments are additionally made with respect to these claims.

With respect to claims 12 and 13, the adjective “electrically” has been added. The support for this limitation is found *inter alia* in the third sentence of Paragraph [0046].

With respect to claim 16, the adverb “electric” has been added to define that not only the opening function is clearly required to be electric in this claim.

With respect to claim 17, the claim limitation has been rewritten to conform the claim type of claim 17 to that of claim 1.

Claim Rejections – 35 USC § 103

Claims 2-6, 8-11, 19 and 20 stand rejected under 35 USC 103(a) as being allegedly obvious over US Patent Application Publication No. 2002/0095870 to Praud in view of US Patent No. 6,109,674 to Bartel. Applicants respectfully disagree and traverse this rejection to the extent it is maintained over the claims as amended.

Claims 2-6, 8-11, 19 and 20 are all dependent claims depending directly or by further dependencies from Claim 1. Claim 1 has not been rejected under 35 USC 103(a) and is unanticipated as amended by Praud ‘870 for reasons presented above. Therefore, Applicants respectfully submit that claims 2-6, 8-11, 19 and 20 are also nonobvious under 35 USC 103. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), and MPEP 2143.03 stating

that “[i]f an independent claim is nonobvious under 35 USC 103, then any claim depending therefrom is nonobvious”.

Reconsideration and withdrawal of rejection under 35 USC 103(a) are respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. Should an extension of time be required, Applicants hereby petition for same and request that the extension fee and any other fee required for timely consideration of this submission be charged to **Deposit Account No. 503182**.

Customer Number: **33,794**

Respectfully Submitted,

/Matthias Scholl/

Dr. Matthias Scholl, Esq.
Reg. No. 54,947
Attorney of Record

Date: January 30, 2007